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Law penalizing conscientious objectors ruled constitutional



Lee Jun-gyu, tried for charges of refusing to serve in the military, sheds tears at a press conference in front of the Constitutional Court, central Seoul, after the court ruled the law penalizing conscientious objectors is constitutional, Tuesday. / Yonhap

By Kim Rahn

Similar to a decision made in 2004, the law punishing conscientious objectors was

upheld by the Constitutional Court ruled Tuesday.

Seven of the nine justices of the court said the Military Service Law does not allow non-combat, alternative military service and that is constitutional.

“The law was established to secure military manpower, share military duty equally and keep national security under the conscription system. So we acknowledge the legislation was proper and does not infringe basic rights,” the court said in the ruling.

In contrast the remaining two justices said freedom of conscience and military duty conflict with each other, saying the nation should adopt an alternative military service system.

The ruling comes about three years after a high court in Chuncheon, Gangwon Province, filed a petition over the case of four people indicted on charges of refusing to serve in the military for religious reasons.

According to the law, those refusing to fulfill the duty without proper reasons are subject to up to three years in prison. Most conscientious objectors are given a prison term of one and a half years.

The four people were Jehovah’s Witnesses, who refuse military service and blood transfusions in line with their religious beliefs. They were given 18 months in jail each as a result.

They appealed, and the high court filed a petition with the Constitutional Court, saying the law infringes on the dignity of conscientious objectors and their freedom of conscience.

The decision echoes one made in 2004 that said, “Freedom of conscience is a very important basic right, but an alternative service will be an unreasonable test that can obstruct the very important public interest of national security.”

It recommended that ways to make freedom of conscience and national security coexist should be devised by the nation.

The Korean Branch Office of Jehovah’s Witnesses expressed their regret on hearing of the ruling.

“Since the court simply repeated what happened in 2004, conscientious objectors have lost another opportunity to make a valuable contribution to their community while maintaining their constitutional rights such as human dignity and freedom of conscience. Hundreds of young ones without any criminal record are caught in a vicious spiral of imprisonment and repeated fines,” said Hong Dae-il, spokesman of the office.